

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARY LA BARBERA and THEODORE KING, as  
Trustees and Fiduciaries of the Local 282 Welfare  
Trust Fund, the Local 282 Pension Trust Fund, the  
Local 282 Annuity Trust Fund, the Local 282 Job  
Training Trust Fund, and the Local 282 Vacation  
and Sick Leave Trust Fund,

Plaintiffs,

- against -

MRM TRUCKING, LLC,

Defendant.  
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04-CV-5156 (TCP)(MLO)

DEFAULT JUDGMENT AND ORDER

This action having been commenced on November 30, 2004 by the filing of the complaint and the issuance of the summons; a copy of the summons and complaint having been served on defendant MRM Trucking, LLC ("MRM") by personal service upon Manny Raza, identified as MRM's managing agent, on January 7, 2005; proof of service having been filed with the Clerk of Court on January 20, 2005; said defendant not having answered the Complaint; and the time for answering the complaint having expired; said default being willful because of the failure of defendant to answer, prejudicial to plaintiffs in light of the statutory policy favoring the efficacious resolution of collection actions by employee benefit funds under ERISA; and defendant lacking a meritorious defense; it is:

ORDERED, ADJUDGED AND DECREED that

1. MRM submit to an audit by providing plaintiffs with all of the books and records required by the Funds' Restated Agreement and Declaration of Trust for the period from February 10, 2003 through the date of the audit within two weeks of the entry of this Order, and pay any delinquencies identified by the audit, together with the cost of the audit, interest, liquidated damages and any other costs incurred by plaintiffs in obtaining payment of the delinquency within twenty (20) days of demand; and

2. MRM pay plaintiffs the amount of \$802,284.35 consisting of:

(i) \$589,219.79 in estimated contributions for the period from February 2003 through June 30, 2005;

(ii) \$93,839.35 in interest on the estimated contributions through June 30, 2005, and additional interest accruing from July 1, 2005 through the date of payment;

(iii) \$117,843.96 in liquidated damages; and

(iv) \$1,381.25 in attorney's fees and costs.

SO ORDERED.

Dated: July 29, 2005  
Central Islip, New York

  
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THOMAS C. PLATT, U.S.D.J.